THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.5781 of 2006

Dt. 27-03-2006

Between:

Pinnibo9na Kondala Rao

..petitioner

and

The Deputy Registrar of Cooperative Societies,

Nuzvid, Krishna District.

..Respondent

THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.5781 of 2006

Oral Order:

Petitioner who was elected as Managing Committee member of the Mustabada Farmers Service Co-operative Society was served with notice by the Deputy Registrar of Co-operative Societies, Nuzvid in Rc.No.453/2006C dated 17-03-2006 impugned in the present writ petition, calling upon the petitioner to show cause as to why he should not be disqualified from the membership of the Managing Committee on the basis of the compliant received from Garimella Samba Siva Rao stating that the petitioner is having three children and not eligible to be elected as a member under Section 21-A (1A) A of the A.P. Co-operative Societies Act, 1964 (for short "the Act").

It is only a show cause notice issued to the petitioner for which he is under obligation to submit his explanation and only on filing such explanation further action can be taken under Rule 24 of the A.P. Cooperative Society Rules by the Chief Executive Officer or the Managing Committee of the Society that such member is not eligible to be elected or continue as member of the Committee.

Learned counsel for the petitioner submits that the petitioner has requested for copy of the complaint on which basis proceedings were initiated for enabling him to file a detailed explanation.

If any documents are called by the petitioner, Registrar who is exercising quasi-judicial function is under obligation to supply such documents and pass appropriate orders thereon or can also refer the matter to the appropriate forum to decide the dispute under Section 61(3) of the Act or if any such order is passed or intimation is given petitioner can also raise the dispute.

In view of the same, present writ petition cannot be entertained and it is accordingly dismissed. However, it is needless to mention that the respondent is under obligation to provide all necessary documents if he chooses to disqualify the petitioner and can pass a speaking order.

_____ A.GOPAL REDDY, J.

27-03-2006

Note: Operative portion by wire

at party's cost.

(bo)

Murthy